

ESTTA Tracking number: **ESTTA167734**

Filing date: **10/10/2007**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	Gertex Hosiery Inc.		
Entity	Corporation	Citizenship	Canada
Address	9 Densley Avenue Toronto, ON M6M2P5 CANADA		
Attorney information	Lawrence E. Abelman Abelman Frayne & Schwab 666 Third Avenue 10th Floor New York, NY 10017 UNITED STATES fterranella@lawabel.com Phone:212-949-9022		

Registration Subject to Cancellation

Registration No	1525799	Registration date	02/21/1989
Registrant	KOSZEWSKI, JANET R. 19800 ANITA AVENUE CASTRO VALLEY, CA 94546 UNITED STATES		

Goods/Services Subject to Cancellation

Class 025. First Use: 1982/09/00 First Use In Commerce: 1988/02/22
All goods and services in the class are cancelled, namely: WOMEN'S CLOTHING, NAMELY, SWEATERS, DRESSES, SKIRTS AND PANTS, HATS, AND LINGERIE

Grounds for Cancellation

Abandonment	Trademark Act section 14
-------------	--------------------------

Attachments	SOPHIE'S.pdf (3 pages)(184534 bytes)
Signature	/lea/
Name	Lawrence E. Abelman
Date	10/10/2007

10)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Trademark Registration No. 1525799

-----X		
	:	Cancellation No.
Gertex Hosiery Inc.	:	
	:	
Petitioner,	:	
	:	
v.	:	
	:	
Janet R. Koszewski	:	
	:	
Registrant.	:	
-----X		

Commissioner for Trademarks
P.O. Box 1451
Alexandria, Va. 22313-1451

11)

PETITION FOR CANCELLATION

Gertex Hosiery, Inc., a Canada corporation, with an office at 9 Densley Avenue, Torontp, Ontario, Canada M6M2P5 ("Petitioner"), believes that it is being and/or will be damaged by the subsistence of Registration No. 1,525,799 on the Principal Register, dated February 21, 1989, for the mark **SOPHIE'S in stylized form**, by Janet R. Koszewski, a California individual with an address of 19800 Anita Avenue, Castro Valley, Ca. 94546 ("Registrant"), and hereby petitions to cancel the same.

12)

As grounds for cancellation, it is alleged that:

1. On March 15, 2007, Petitioner filed application No. 77/131576

for the mark **SOPHI** to identify, among other things, clothing in Class 25.

2. Upon information and belief, the mark **SOPHIE'S** was filed by Registrant for "women's clothing, namely, sweaters, dresses, skirts and pants, hats and lingerie" in Class 25 on February 29, 1988. Registration No. 1525788 was granted on February 21, 1989.

3. Registration No. 1525788 was cited by the Examiner in denying registration to Petitioner's application No. 77/131576.

4. Upon information and belief, Registrant is not now using the mark **SOPHIE'S in stylized form** in commerce and has no intention of using the mark, which non-use constitutes abandonment of the mark.

5. Petitioner will be damaged by the continued subsistence of the subject registration on the Principal Register as evidenced, in part, by the refusal of registration of its application no. 77/131576.

WHEREFORE, Petitioner believes that it is and/or will be damaged by the subsistence of Registration No. 1525799 on the Principal Register and respectfully requests that the instant Petition be granted and the subject registration canceled pursuant to Sections 14(3) (15 U.S.C. §1064) and 45 (15 U.S.C. §1127) of the Trademark Act.

It is requested that the \$300 official fee be charged against Deposit Account 01-0035.

Respectfully submitted,

ABELMAN, FRAYNE & SCHWAB
Attorneys for Petitioner,
Gertex Hosiery Inc.

Dated: October 10, 2007

By: /lea/
Lawrence E. Abelman
Abelman Frayne & Schwab
666 Third Avenue
New York, New York 10017
(212) 949-9022